

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kimberly Ann Henny,

File No. 22-cv-2121 (ECT/JFD)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Patrick T. O'Connor, *CEO, Federal Prison Industries*; J. Stanek, *Factory Manager, Unitor FCI Waseca*; Mistelle Starr, *Warden, FCI Waseca*; Michael Carvajal, *Federal Bureau of Prisons Director*; Andre Matevousian, *Regional Director of Bureau of Prisons*,

Defendants.

Magistrate Judge John F. Docherty issued a Report and Recommendation on November 3, 2022. ECF No. 7. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 7] is **ACCEPTED**;
2. This matter is **DISMISSED** as follows:
 - a. Kimberly Ann Henny's claims arising under federal law are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915A(b).

- b. Henny's state-law claims are **DISMISSED WITHOUT PRJEUDICE** for lack of federal subject-matter jurisdiction.
3. Henny's application to proceed *in forma pauperis* [ECF No. 2] is **DENIED**.
- LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: November 29, 2022

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court